

ISSUES SUBMITTAL FORM

Date: 08/11/2023

ISSUE:	Should the two special fishing regulations on the Upper Arkansas River be removed?
DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):	
<p>In 2014, 102 miles of the Arkansas River were designated Gold Medal Trout Waters. This designation stretches from the confluence with the Lake Fork of the Arkansas River downstream to the Hwy 50 Bridge crossing above the Royal Gorge. Gold Medal waters represent the highest quality cold water habitats and have the capability to produce many quality size (14 inches or longer) trout. Chapter W-1 Special Regulations #108.B.16.a. and b. regulate the manner of take and possession of trout on the Arkansas River in Lake, Chaffee, and Fremont Counties. These are the only two special fishing regulations on the main stem of the Arkansas River in the Upper Arkansas Valley.</p> <p>Regulation #108.B.16.a. has been in effect since 2001 and restricts fishing on approximately 5.5 miles in Lake County starting at the US 24 river overpass downstream to the lower boundary of the Hayden Ranch. It allows for flies and lures only and the bag, possession and maximum size for trout is one fish, 12 inches long.</p> <p>Regulation #108.B.16.b. has been in effect since 1993 and restricts fishing on approximately 7.5 miles in Chaffee and Fremont County starting at the Stockyard Bridge below Salida to the confluence with Badger Creek in Fremont County. It allows for flies and lures only, and rainbow trout and cutbow must be returned to the water immediately upon catch.</p> <p>Current regulations were in place to (1) examine the effects of take on rainbow trout in these sections as aquatic improvements were implemented in the Lake County section and (2) to study different strains of rainbow trout as they were stocked below Stockyard Bridge. The aquatic improvements in the Arkansas River in Lake County are complete and CPW has determined that the whirling disease resistant Gunnison River rainbow strain is the best option for establishing a wild rainbow trout fishery in the upper Arkansas River basin. In the last ten years, there have been no citations issued in either section regarding illegal methods of take or possession.</p> <p>Local staff supports removing these regulations for several reasons:</p> <ul style="list-style-type: none">• The existing regulations no longer serve any biological purpose.• Simplify fishing regulations by reverting to statewide bag and possession limits.• Consistent and uniform fishing regulations on the upper Arkansas River mainstem.• Increased fishing opportunities for all angling methods.• Other large sections of the upper Arkansas River have demonstrated that the trout populations can sustain statewide methods of take and possession limits.• Angling behaviors have changed over time. Local staff observations even outside of these restricted harvest areas indicate very few people are harvesting fish. Creel data within and outside of these areas also show that less than 2% of fish caught by anglers are being kept. <p>These two regulations are no longer necessary for the proper management of trout on the Arkansas River. The main stem of the Arkansas River will continue to function as a Gold Medal Trout Water without these restrictions.</p>	
STATE LAW REQUIRES CPW TO SOLICIT INPUT FROM STAKEHOLDERS THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE PROPOSED RULES. THE FOLLOWING STAKEHOLDERS HAVE BEEN ADVISED OF AND INVITED TO PROVIDE INPUT ON THE REGULATORY CHANGES PROPOSED IN THIS ISSUE PAPER:	
IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED.	
[List stakeholder groups and briefly summarize comments received]	

Trout Unlimited Collegiate Peaks Chapter. Presented at local Chapter meeting on 03.18.23. CPW received a letter of support from the Chapter.

Southeast Sportman's Caucus. Presented at Caucus meeting on 07.11.23. No comments were received.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. ***Preferred Alternative***: Remove Chapter W-1 Special Regulations #108.B.16.a. and b. 16. Arkansas River - Chaffee, Fremont, Lake and Pueblo Counties
 - ~~a. From the US 24 river overpass downstream to the lower boundary of the Hayden Ranch, as posted:

 1. Fishing is by artificial flies and lures only.
 2. The bag and possession limit and maximum size for trout is one fish, 12 inches in length.~~
 - ~~b. From the Stockyard Bridge (Chaffee Co Rd 102) below Salida downstream 7 ½ miles to the confluence with Badger Creek:

 1. Fishing is by artificial flies and lures only.
 2. All rainbow trout and cutbows must be returned to the water immediately upon catch.~~
 - ae. Within the Pueblo Reservoir State Wildlife Area:
 1. The bag and possession limit and minimum size for walleye and saugeye is five fish in the aggregate, 18 inches in length.
 2. No more than one walleye or saugeye in the aggregate greater than 21 inches in length may be taken per day.
 - ~~bd. From the bridge at Valco Ponds downstream to Pueblo Boulevard (except at the Pueblo Nature Center as posted):

 1. Fishing is by artificial flies and lures only.
 2. All trout 16 inches in length or greater must be returned to the water immediately upon catch.~~
2. Status quo

Issue Raised by:	Area 13 Staff and SE Aquatics Section
Author of the issue paper (if different than person raising the issue):	Alex Townsend – Aquatic Biologist Sean Shepherd – Area Wildlife Manager Paul Foutz – Senior Aquatic Biologist
CC:	
APPROVED FOR FURTHER CONSIDERATION BY:	Matt Nicholl
REQUIRES NEW SPACE IN THE BROCHURE?	<input type="checkbox"/> YES X NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	X YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	Aquatic Section
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES X NO

ISSUES SUBMITTAL FORM

Date:

08/11/2023

ISSUE:	Should fishing regulations at Upper Square Top Lake, Lower Square Top Lake, Duck Creek to Duck Lake, West Fork Clear Creek, and Williams Gulch be changed to artificial flies and lures only and all trout must be returned to the water immediately?
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DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

The West Fork of Clear Creek, Duck Creek, the Square Top Lakes, and Williams Gulch have all begun to be stocked with the state fish the greenback cutthroat trout. The greenback cutthroat trout is currently a state threatened Tier 1 State Wildlife Action Plan (SWAP) species. They are also a federally threatened species. Because of their federal listing as threatened, the harvest of these fish is illegal. Other greenback cutthroat trout populations in the South Platte River basin allow catch-and-release, fly and lure only fishing. Changing the special regulations for these waters to fly and lure only and catch-and-release would align the regulations with each other as well as other greenback cutthroat trout waters around the state.

Square Top Lakes, and Duck Creek:

Currently, statewide bag and possession limits apply at Upper Square Top Lake, Lower Square Top Lake, and Duck Creek. Historically, these waters were stocked with non-native cutthroat trout to provide angling opportunities. These three waters have been extensively studied by CPW since 2008, and all fish were removed from the system before stocking with greenback cutthroat trout.

West Fork Clear Creek:

Historically, the headwaters of West Fork Clear Creek were fishless, and statewide bag and possession limits were applicable, despite the lack of fish. CPW has begun stocking efforts to establish greenback cutthroat trout in the headwaters of West Fork Clear Creek downstream to a natural barrier that is upstream of the confluence with Butler Gulch.

Williams Gulch:

Currently, Williams Gulch is closed to all fishing. Williams Gulch was reclaimed in 2021 to remove non-native cutthroat trout and stocked with greenback cutthroat.

Modifying the special restrictions on these waters will simplify regulations as well as provide consistency in the waters that are beginning to be stocked with greenback cutthroat trout.

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***IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED*.**

[List stakeholder groups and briefly summarize comments received]

Support from CPW Aquatic Section, Area 1, Area 4, US Forest Service staff, US Fish and Wildlife Service, and Colorado Trout Unlimited.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. ***Preferred Alternative*:** Implement regulations that read artificial flies and lures only and all trout must be returned to the water immediately.

REGULATION #108.B.

87. Clear Creek, West Fork – Clear Creek County

- a. From the headwaters to the confluence of Butler Gulch
 - 1. Fishing is by artificial flies and lures only.
 - 2. All trout must be returned to the water immediately upon catch.

127. Duck Creek – Clear Creek County

- b. From the headwaters of Duck Creek to Duck Lake
 - 1. Fishing is by artificial flies and lures only.
 - 2. All trout must be returned to the water immediately upon catch.

397. Square Top Lakes (Upper and Lower Lakes) – Clear Creek County

- a. Fishing is by artificial flies and lures only.
- b. All trout must be returned to the water immediately upon catch.

458. Williams Gulch - Larimer County

- a. From the headwaters downstream to the confluence with the Poudre River:
 - 1. ~~Fishing is prohibited.~~ Fishing is by artificial flies and lures only.
 - 2. All trout must be returned to the water immediately upon catch.

- 2. Status quo. Statewide bag and possession limits apply

Issue Raised by:	NE Region Aquatics
Author of the issue paper (if different than person raising the issue):	NE Region Aquatic Section
CC:	Jeff Spohn, Kyle Battige, Harry Crockett, Boyd Wright, Mark Lamb, Dawson Swanson, Matt Nicholl
APPROVED FOR FURTHER CONSIDERATION BY:	Matt Nicholl
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	NE Aquatic Section
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

ISSUES SUBMITTAL FORM

Date:

08/11/2023

ISSUE: Should Colorado Parks and Wildlife (CPW) modify bag and possession limits for brown trout at Dillon Reservoir, and the inlet areas of Tenmile Creek/Blue River? In addition, should CPW implement a seasonal fishing closure on Tenmile Creek and a section of Blue River?

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

Dillon Reservoir has historically produced a prolific brown trout fishery despite minimal stocking. CPW stocked the species in Dillon on two occasions, in 1981 and 1986, but the reservoir was known as a quality brown trout fishery in the decades prior to those dates. CPW gillnet surveys in the past decade have produced specimens in excess of nine pounds. Spawning runs of large brown trout have been consistently observed in the Blue River and Tenmile Creek upstream of the reservoir and it is believed that this spawning activity has sustained the brown trout fishery in the reservoir through successful natural reproduction.

In recent years local CPW staff have received multiple reports from frequent anglers (mainly guides) on Dillon Reservoir of a major increase in fishing pressure (including a large increase in commercial guiding) and a decline in the quality of the brown trout fishery. CPW has conducted standardized gillnet surveys of the brown trout fishery in Dillon in even-numbered years since 2008 (Figure 1). In the 2022 survey the percentage of brown trout captured that were larger than 14" fell to its lowest value observed to date at 32.9%, well below the average of 48.5% during the 2008-2020 period. This was the fourth consecutive survey in which this value declined from the previous survey, giving strong evidence of a negative trend in the quality-sized component of this fishery.

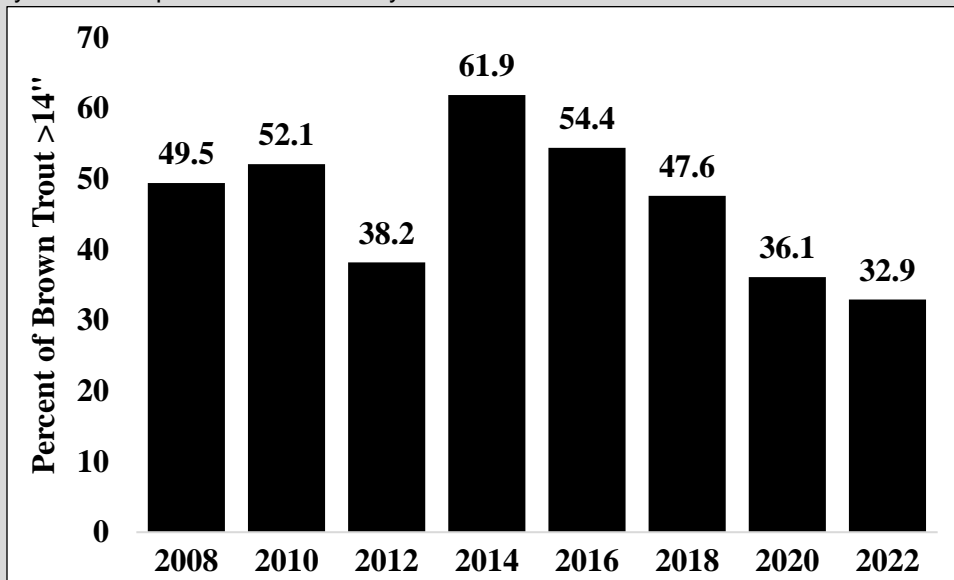


Figure 1. Percent of brown trout larger than 14" captured in standardized gillnet surveys conducted by CPW aquatics staff, 2008-2022.

CPW Aquatics staff has also conducted electrofishing surveys in odd-numbered years on sections of the Blue River from the north inlet downstream to Dillon Reservoir. Brown trout biomass estimates in this reach have declined over the past five consecutive survey occasions, dating back to a peak in 2011 (Figure 2). Density estimates of brown trout larger than 14" have also declined in recent surveys

(Figure 3). The trends identified in these surveys mirror trends seen over the same time period in Dillon Reservoir.

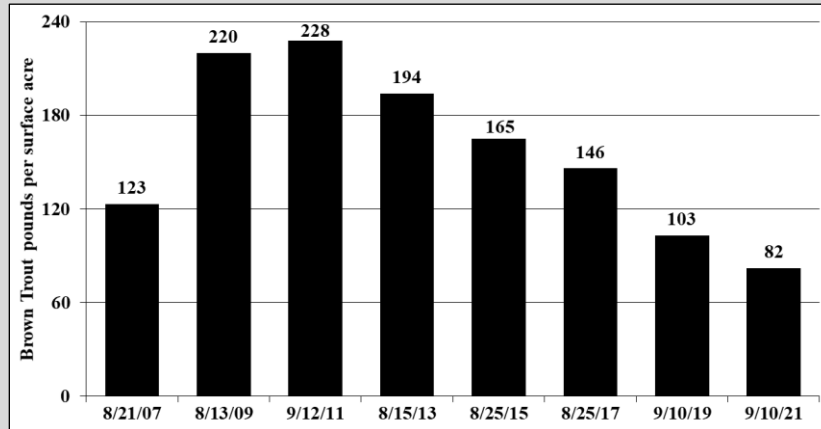


Figure 2. Estimates of brown trout biomass in pounds per surface acre derived from electrofishing surveys conducted by CPW Aquatics staff, Blue River Fourmile Bridge site 2007-2021.

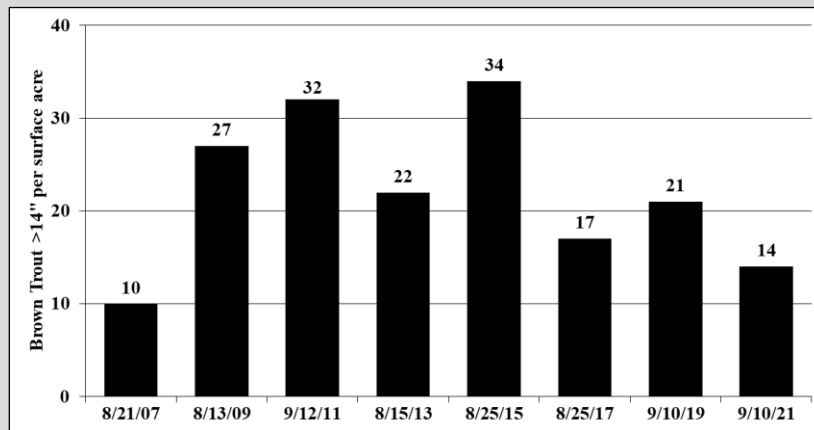


Figure 3. Density estimates of brown trout larger than 14" per surface acre derived from electrofishing surveys conducted by CPW Aquatics staff, Blue River Fourmile Bridge site 2007-2021.

Based on these independent sources of information, CPW staff believes that a more conservative harvest regulation on brown trout is warranted. CPW is proposing modifying the bag and possession limits on these waters to require any brown trout caught over 14 inches in length must be immediately returned to the water upon catch. This regulation will increase the reproductive potential of the waters by protecting the majority of the brown trout spawning population.

In addition to the conservative harvest restrictions, CPW is proposing a spawning closure on Tenmile Creek and Blue River upstream of Dillon Reservoir. The disruption of the spawn caused by angling in the fall (even in cases of catch-and-release) has likely contributed to the observed declines in brown trout densities in the Blue River and Dillon Reservoir. The public is generally aware of both of the large spawning runs on Tenmile Creek and Blue River. If a spawning closure is enacted on the Blue River without enacting one on Tenmile Creek, it is likely to have the effect of concentrating the angling pressure in the fall that is currently divided between the two spawning tributaries. Applying the seasonal spawning closure to both of the tributaries will give the best chance to recover the quality of the brown trout fishery.

Blue River:

Current CPW Regulations #108.B.47.a.(1) and (2) apply to this reach from the north inlet at Summit Co Rd 3 (Coyne Valley Rd. 3 miles north of Breckenridge) downstream to Dillon Reservoir, allowing fishing by artificial flies and lures only and for a bag, possession and minimum size limit of two fish, 16 inches in length. Prior to 2007, fishing was also prohibited on this section of the Blue River from October 1 – January 31. CPW is proposing a modified harvest regulation combined with the re-adoption of a seasonal fishing closure on the Blue River.

Dillon Reservoir:

There are currently no special regulations governing take of brown trout in Dillon Reservoir. CPW is proposing a regulation protecting all brown trout greater than 14” be adopted on Dillon Reservoir.

Tenmile Creek:

CPW is proposing a more restrictive harvest regulation combined with a seasonal fishing closure on Tenmile Creek.

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***IT IS ASSUMED THAT ALL NECESSARY INTERNAL PARTIES HAVE BEEN NOTIFIED*.**

- Anglers and the general public - CPW held a public meeting on Wednesday, May 17, 2023 in which this and additional information was presented, followed by a discussion of the need for more conservative regulations for brown trout on Dillon Reservoir, the Blue River, and Tenmile Creek. Meeting attendees expressed unanimous support for the proposed regulation changes.
- Dillon Reservoir Recreation Committee - This committee includes members representing Summit County, Denver Water, United States Forest Service, and the towns of Dillon and Frisco. On April 18, 2023, Area 9 Aquatic Biologist Jon Ewert attended a monthly meeting of this committee and gave a detailed presentation on fishery management in Dillon and the Blue River upstream of Dillon. A representative from the Town of Breckenridge also attended. Following this meeting, the committee submitted a letter of support for the new proposed regulations.
- Several letters and emails of support have been received from local anglers, fishing guides, and the Dillon Reservoir Recreation Committee.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. ***Preferred Alternative*** Reduce bag limit of brown trout over 14” at Dillon Reservoir to zero. All brown trout over 14” must be returned to the water immediately.

REGULATION #108.B.

47. Blue River - Grand and Summit Counties

a. From the north inlet at Summit Co Rd 3 (Coyne Valley Rd. 3 miles north of Breckenridge) downstream to Dillon Reservoir:

1. Fishing is by artificial flies and lures only.
2. ~~The bag and possession limit and minimum size for trout is two fish, 16 inches in length.~~ All brown trout over 14 inches in length must be returned to the water immediately upon catch.

3. Fishing is prohibited from September 1 – December 1.

- b. From Dillon Dam downstream to the north city limits of the town of Silverthorne:
 - 1. Fishing is by artificial flies and lures only.
 - 2. All trout must be returned to the water immediately upon catch.
- c. From the north city limits of the town of Silverthorne downstream to the Colo 9 bridge over the Blue River at Blue River State Wildlife Area:
 - 1. Fishing is by artificial flies and lures only.
 - 2. The bag and possession limit and minimum size for trout is two fish, 16 inches in length.
- d. From the Colo 9 bridge over the Blue River at Blue River State Wildlife Area downstream to the Green Mountain Reservoir inlet:
 - 1. Snagging of kokanee salmon is permitted from September 1 through December 31.
- e. From Green Mountain Reservoir dam downstream to the Colorado River:
 - 1. Fishing is by artificial flies and lures only.
 - 2. All trout must be returned to the water immediately upon catch.

118. Dillon Reservoir - Summit County

- a. All Arctic char under 20 inches in length must be returned to the water immediately upon catch.
- b. The bag and possession limit and minimum size for Arctic char is one fish, 20 inches in length.
- c. All brown trout over 14 inches in length must be returned to the water immediately upon catch.

414. Tenmile Creek – Summit County

- a. From the confluence of West Tenmile Creek near Copper Mountain downstream to Dillon Reservoir:
 - 1. All brown trout over 14 inches in length must be returned to the water immediately upon catch.
 - 2. Fishing is prohibited from September 1 – December 1.

2. Status quo.

Issue Raised by:	Jon Ewert (Area 9 Aquatic Biologist)
Author of the issue paper (if different than person raising the issue):	
CC:	Alex Strasser, Jeromy Huntington, Ben Felt
APPROVED FOR FURTHER CONSIDERATION BY:	Matt Nicholl
REQUIRES NEW SPACE IN THE BROCHURE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ARE ADEQUATE STAFF AND FUNDING RESOURCES AVAILABLE TO IMPLEMENT?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
REGION, BRANCH, OR SECTION LEADING IMPLEMENTATION	NW Aquatics
RECOMMENDED FOR CONSENT AGENDA?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO